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09/732,926	12/11/2000	Koji Eguchi	49657-870	2307

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McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/29/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.	Applicant(s)	
	09/732,926	EGUCHI, KOJI	
	Examiner	Art Unit	
	Aaron Perez-Daple	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment filed 2/12/04, which has been fully considered.
2. Claims 1-15 are presented for examination.
3. This Action is made FINAL.

Response to Arguments

Claim Objections

4. Objections to claims 1 and 11 are hereby withdrawn in view of the Amendment.

112 Claim Rejections

5. The rejections of claims 1 and 2 under 35 USC 112, second paragraph, are hereby withdrawn in view of the Amendment.
6. The rejection of claim 3 under 35 USC 112, second paragraph, is hereby maintained. In paragraph 6 of page 7 of the Amendment, Applicant clarifies the meaning of claim 3. Specifically, Applicant clarifies that the reason for transmitting the process condition data from the communication device to a production facility is to implement changes to the condition data generated by the operator without changing the “basic” conditions stored by the computer (i.e. this method would send “new” condition data to the production facility while bypassing the host computer). The Examiner notes that claim 3 does not mention changing the condition data, nor does it draw any distinction between the “new” condition data and the “basic” condition data stored in the host computer. Rather the claim refers only to “said process condition data” which implies that there is only one set of identical data stored in the host computer and in the communication device. The Examiner finds that the claimed invention is not consistent with Applicant’s intended meaning, as described in

paragraph 6 of page 7 of the Amendment. Therefore, claim 3 is properly rejected under 35 USC 112, second paragraph, as being indefinite. It is suggested that Applicant amend claim 3 accordingly to reflect the intended meaning.

Prior Art Rejections

7. Applicant's arguments filed 2/12/04 have been fully considered but they are not persuasive.
8. Regarding independent claim 1, Applicant first asserts that Angle does not disclose a process of producing a product (pg. 9, third paragraph). The Examiner respectfully disagrees. Column 1, lines 22-25 of Angle recite, "Usually the applications for such devices are for tracking the location and quantity of goods as they are moved throughout a manufacturing...facility, for example." As stated here, Angle clearly anticipates using the invention in a manufacturing facility, wherein the "goods" represent the "product" and the "manufacturing facility" inherently includes the "process of producing a product." Therefore, Angle does disclose the claimed steps relating to producing a product, as would be obvious to one of ordinary skill in the art. Further teaching of this limitation can be found in the Gleis reference, which clearly teaches an information terminal used in a process of producing a product [col. 2, lines 23-33, "Instead of using...data collecting device."].

Second, Applicant asserts that Angle does not disclose a control table for storing control data controlling the product corresponding to an identification number for identifying the communication device. The Examiner respectfully disagrees. The cited passage of col. 10, lines 37-48, discloses a method for identifying devices based on an identification number (addresses) or nickname of said devices using a control table. Although the passage is in the

context of sending voice data, Angle discloses the sending of data “useful to the operator of the portable RF device” from the host computer to the portable device [col. 5, lines 60-64, “Information related...RF device 65.”]. In the context of a manufacturing facility, it would be obvious to one of ordinary skill in the art that this data could comprise “control data controlling said product.” Furthermore, it would be obvious to one of ordinary skill in the art that the methods recited in col. 10 could be used in the transmission of control data stored in a table (a computer database inherently stores data in a tabular format), rather than exclusively for the transmission of voice data (such a method is arguably inherent to Angle). Therefore, the Examiner finds that claims 1-10 are properly rejected under 35 U.S.C. 103(a) as obvious over Angle in view of Gleis.

9. As for claim 11, Applicant first asserts that Angle does not teach preparing registration data of the product corresponding to an identification number for identifying the communication device. The Examiner finds that this limitation would be obvious in view of Gleis. If Angle was modified to associate the communication device with the product, as argued in the previous rejection, then the step of “preparing registration data” would inherently follow. Here the Examiner interprets that “preparing in said computer registration data” essentially means initializing the database in the host computer such that the communication device and the product are associated with each other. Therefore, this step would inherently be required in order to associate the communication device with the product.

Second, Applicant asserts that Angle fails to teach selecting the product and transmitting calling data designated by the identification number corresponding to the selected product.

The Examiner finds that Angle explicitly teaches transmitting calling data designated by an identification number in the previously cited passages [col. 2, lines 12-37, “A wireless network...other network device.”; col. 5, lines 57-64, “The a host computer...RF device 65.”]. Angle further teaches selecting the identification number corresponding to the communication device [col. 10, lines 37-38]. Once Angle was modified by associating the communication device with the product, as taught by Gleis [col. 2, lines 23-37, “Instead of using...a radio transmission.”], selecting the product and transmitting data to the device with the identification number corresponding the product would obviously follow (for example, the “nicknames” could be associated with the product and selected accordingly). Therefore claims 11-15 are properly rejected under 35 U.S.C. 103(a) as obvious over Angle in view of Gleis.

Finally, contrary to Applicant’s assertion of pg. 10, paragraph 6, the Examiner does not find any admission in the previous rejection, paper no. 4, that Gleis fails to teach the above limitations of claims 1 and 11.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Angle et al (US 6,366,771 B1) (hereinafter Angle) in view of Gleis (US 6,615,094 B2, June 17, 1999) (hereinafter Gleis). Claims 1-15 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Angle et al (US 6,366,771 B1) in view of Gleis (DE 19829366, January 5, 2000). Since both Gleis references disclose the same invention, only US 6,615,094 B2 will be cited explicitly in the following rejections.

As for claim 1, Angle discloses a product control method of controlling processes of producing said product by wireless communication between a communication device a computer controlling said process of producing said product, comprising the steps of:

preparing in said computer a control table storing control data controlling said product corresponding to an identification number for identifying said communication device [col. 10, lines 37-48, "Fig. 13 shows...each possible recipient."];

transmitting said identification number and information requesting the control data from said communication device to said computer by wireless communication [col. 10, lines 49-55, "The network addresses...network address."];

transmitting from said computer, control data stored in said control table corresponding to said received identification number in response to reception of said identification number and said information requesting the control data from said communication device [col. 2, lines 12-37, "A wireless network...other network device."; col. 5, lines 57-64, "The a host computer...RF device 65."];

outputting control data relating to said product in a form recognizable to a person based on said received control data [col. 5, lines 57-64, "The a host computer...RF device 65."].

Angle does not specifically teach associating the communication device to a product.

However, Gleis teaches attaching the communication device to a product [col. 2, lines 23-33, “Instead of using...data collecting device.”]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by associating the communication device to the product in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, “Instead of using...data collecting device.”].

12. As for claim 2, Angle teaches the product control method according to claim 1, wherein said control data include progress status information on said product in said processes and process condition data in said processes [col. 5, lines 57-64, “The a host computer...RF device 65.”], and

 said step of outputting said control data includes the step of outputting process condition data in a following process of said product in the form recognizable to the person [col. 5, lines 57-64, “The a host computer...RF device 65.”; col. 8, lines 49-58, “A video controller...to the operator.”].

13. As for claim 3, Angle teaches the product control method according to claim 2, wherein said product control method further includes the step of transmitting said process condition data to a production facility for producing said product by wireless communication from said communication device [col. 2, lines 12-37, “A wireless network...other network device.”; col. 5, lines 57-64, “The a host computer...RF device 65.”].

14. As for claim 4, Angle teaches the product control method according to claim 1, wherein said control data includes operation results at said producing process [col. 5, lines 57-64, “The a host computer...RF device 65.”], and

said step of outputting said control data includes the step of outputting in said communication device said operation results in the form recognizable to the person [col. 5, lines 57-64, "The a host computer...RF device 65."].

15. As for claim 5, Angle teaches the product control method according to claim 1, further comprising the step of transmitting operation results at said process from said communication device to said computer [col. 5, lines 57-64, "The a host computer...RF device 65."].

16. As for claim 6, Angle teaches the product control method according to claim 5, further comprising the step of receiving said operation results from said production facility by wireless communication in said communication device [col. 1, lines 34-46, "In a wireless network...Ring or Ethernet."; col. 2, lines 11-18, "A wireless network...and voice communication."].

17. As for claim 7, Angle teaches the product control method according to claim 5, wherein said communication device attached to said product is a communication device having a bar code reading device, bar code indicated a plurality of operation results is prepared in said process, and said product control method further includes the step of reading said bar code selected by the operator [col. 7, lines 20-32, "A barcode reader...wireless network 10 (Fig. 1)."].

18. As for claim 8, Angle teaches the product control method according to claim 5, further comprising the step of taking an image of said product after said operation in said process, wherein said result data is image data, in said image taking step, representing a product after the operation [barcode reading inherently includes taking an image and converting it to image data; col. 7, lines 20-32, "A barcode reader...wireless network 10 (Fig. 1)."].

19. As for claim 9, Angle teaches the product control method according to claim 9, wherein said communication device attached to said product is a portable telephone device [the examiner interprets “a portable telephone device” to be any portable device capable of sending and receiving voice data; col. 16, lines 26-33, “Accordingly, the present...cellular telephone services.”] having an image pickup device, and said step of taking an image of said product after said operation includes the step of taking an image of said product after said operation in said process using said image pickup device of said portable telephone device [barcode reading inherently includes taking an image and converting it to image data; col. 7, lines 20-32, “A barcode reader...wireless network 10 (Fig. 1).”].

20. As for claim 10, Angle teaches the product control method according to claim 1, wherein said communication device attached to said product is a portable telephone device [the examiner interprets “a portable telephone device” to be any portable device capable of sending and receiving voice data; col. 16, lines 26-33, “Accordingly, the present...cellular telephone services.”].

21. As for claim 11, Angle teaches a product control method of controlling process of producing said product by a communication device and a computer controlling said process of producing said product by wireless communication, comprising the steps of:
preparing in said computer registration data corresponding to an identification number for identifying said communication device [col. 10, lines 37-48, “Fig. 13 shows...each possible recipient.”];
selecting said identification number stored in said registration data [col. 10, lines 49-55, “The network addresses...its network address.”];

transmitting calling data from said computer to said communication device designated by said identification number [col. 2, lines 12-37, "A wireless network...other network device."]; col. 5, lines 57-64, "The a host computer...RF device 65."]; and

performing a prescribed operation in said communication device identified by said calling data based on said calling data in response to reception of said calling from said computer [col. 8, lines 49-58, "A video controller...to the operator."].

Angle does not specifically disclose associating the communication device to a product nor associating the product with the identification number of the communication device.

Gleis teaches attaching the communication device to the product and associating the product with the identification number of the communication device [col. 2, lines 23-37, "Instead of using...a radio transmission."; col. 3, lines 61-65; "According to another...or separately therefrom."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by associating the communication device to the product and associating the product with the identification number of the communication device in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

22. As for claims 12 and 13, Angle teaches a product control method similar to claim 11, wherein said registration data is data of said products divided into a plurality of groups, said step of selecting said product includes the step of selecting one of said plurality of groups [col. 5, lines 57-64, "The a host computer...RF device 65."], and said step of transmitting calling data includes the step of transmitting first calling data from said computer to said communication device identified by said identification number

[col. 5, lines 57-64, "The a host computer...RF device 65."; col. 10, lines 37-55, "Fig. 13 shows...its network address."].

Angle does not specifically disclose associating the communication device to the product nor associating the product with the identification number of the communication device. Gleis teaches attaching the communication device to the product and associating the product with the identification number of the communication device [col. 2, lines 23-37, "Instead of using...a radio transmission."; col. 3, lines 61-65, "According to another...or separately therefrom."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by associating the communication device to the product and associating the product with the identification number of the communication device in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

23. As for claim 14, Angle teaches the product control method according to claim 12, wherein said step of selecting said product further includes the step of selecting another group, other than said one group, among said plurality of groups, said step of transmitting said calling data further includes the step of transmitting second calling data from said computer to said communication device identified by said identification number [col. 5, lines 57-64, "The a host computer...RF device 65."; col. 10, lines 37-55, "Fig. 13 shows...its network address."], and said step of performing said prescribed operation includes the step of selectively performing first and second operations based on a fact that said calling data is said first or second calling data in response to reception of said calling data from said computer [col. 5,

lines 57-64, "The a host computer...RF device 65."; col. 10, lines 37-55, "Fig. 13 shows...its network address."].

Angle does not specifically disclose associating the communication device to the product nor associating the product with the identification number of the communication device. Gleis teaches attaching the communication device to the product and associating the product with the identification number of the communication device [col. 2, lines 23-37, "Instead of using...a radio transmission."; col. 3, lines 61-65, "According to another...or separately therefrom."]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Angle by associating the communication device to the product and associating the product with the identification number of the communication device in order to track data, such as product defects, associated with the product, as taught by Gleis [col. 2, lines 23-33, "Instead of using...data collecting device."].

24. As for claim 15, Angle teaches the product control method according to claim 11, wherein said communication device attached to said product is a portable telephone device, and said prescribed operation outputs ringing tones of said portable telephone device from a speaker [the examiner interprets "a portable telephone device" to be any portable device capable of sending and receiving voice data; col. 16, lines 26-33, "Accordingly, the present...cellular telephone services."; col. 9, lines 31-35, "Furthermore, when a terminal...the desire to establish a conversation."].

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

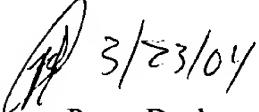
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Perez-Daple whose telephone number is 703-305-4897. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on 703-305-0282. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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Aaron Perez-Daple



GEORGE B. DAVIS
PRIMARY EXAMINER